

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARY WISE, ) Case No. 06-7360 SC  
Plaintiff, )  
v. ) ORDER GRANTING  
RELIASTAR LIFE INSURANCE COMPANY; ) PLAINTIFF'S MOTION TO  
and DOES 1 through 20, Inclusive ) STAY DISCOVERY  
Defendants. ) PRODUCTION  
\_\_\_\_\_  
)

I. INTRODUCTION

This matter comes before the Court on Plaintiff's Ex Parte Application to Quash Subpoena and Prohibit the Production of Tax Returns or for an Order Staying Discovery Production. Docket No. 23. After reviewing the Plaintiff's submissions, the Court GRANTS the Motion to Stay Discovery Production.

On October 13, 2006, plaintiff Mary Wise ("Plaintiff"), filed a complaint in the Superior Court of California alleging that defendant Reliastar Life Insurance Company ("Defendant") unlawfully refused to pay Plaintiff's disability benefits. Compl. ¶¶ 3-5, Ex. A, Attach. to Def.'s Pet. for Removal, Docket No. 1. Defendant filed a Petition for Removal to the United States District Court on November 30, 2006. Docket No. 1. The parties had agreed to a schedule for discovery. Docket No. 22. On September 14, 2007, Plaintiff filed an ex parte application for an order to quash Defendant's subpoena seeking Plaintiff's tax

1 returns or, in the alternative, an order staying the production of  
2 the requested tax returns to allow further briefing and argument  
3 on whether Defendant's discovery request for the tax returns is  
4 justified. Ex Parte Application, Docket No. 23, at 3.

5

6 **II. BACKGROUND**

7 According to Plaintiff, she is a former registered nurse who  
8 worked for Marin County as a detention registered nurse until on  
9 or about June 23, 2003, when she stopped working as a result of  
10 disability. See Ex Parte Application at 1. Plaintiff filed for  
11 disability benefits under the disability insurance policy issued  
12 by Defendant to employees of Marin County. Id. at 1:24-25.  
13 Defendant evaluated Plaintiff's disability insurance claim and  
14 paid her benefits until November 20, 2005, at which time  
15 Plaintiff's disability insurance benefits were terminated. Id. at  
16 1-2. Plaintiff subsequently filed suit against Defendant in state  
17 court and Defendant removed the action to this Court. Pet. to  
18 Remove.

19 According to Plaintiff, various discovery has been conducted  
20 by both parties. Ex Parte Application 2. Depositions of  
21 Defendant and several of the treating physicians have been taken.  
22 Id. at 2. In addition, Plaintiff's bank records and retirement  
23 account records have been produced or are being subpoenaed. Id.  
24 On September 5, 2007, Defendant served a subpoena on Plaintiff's  
25 tax preparer, Capital Business Services, Inc. ("Capital  
26 Business"). Id. In the subpoena Defendant seeks production of  
27 all records of Plaintiff maintained by Capital Business, which

28

1 consist of Plaintiff's tax returns and W-2 forms. Id. at 2-3.  
2 According to Plaintiff, these records are to be turned over to  
3 Defendant on Tuesday, September 18, 2007. Id. at 2.

4 Plaintiff has filed the Ex Parte Application in an effort to  
5 prevent Capital Business from producing the requested tax returns.  
6 Id.<sup>1</sup> Plaintiff argues that her tax returns are irrelevant to her  
7 disability insurance claim and that production of the tax returns  
8 without a compelling reason is a violation of her right to  
9 privacy. Id.

10

11 **III. DISCUSSION**

12 Before the Court rules on Plaintiff's Ex Parte Application  
13 for an Order to Quash the Subpoena for the production of  
14 Plaintiff's tax returns, it orders the Defendant to file an  
15 opposition brief by 12:00 p.m., Wednesday, September 19, 2007.  
16 Plaintiff may file a reply brief by 12:00 p.m., Thursday,  
17 September 20, 2007. The matter then stands submitted with no oral  
18 argument. Until the Court rules, discovery in this case is hereby  
19 stayed.

20

21

22

23

24

25

26

---

27 <sup>1</sup> Plaintiff does not contest the production, by Capital  
Business, of her W-2 forms. Ex Parte Application 2.

28

1       **IV. CONCLUSION**

2              For the reasons discussed herein, Plaintiff's Motion to Stay  
3     Discovery Production is GRANTED pending Defendants' opportunity to  
4     oppose the motion.

5

6

7

8

9

10

11              IT IS SO ORDERED.

12

13              Dated: September 17, 2007

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



---

UNITED STATES DISTRICT JUDGE